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International convention against the reproductive cloning of human beings

Report of the Sixth Committee

Rapporteur: Ms. Anna **Sotaniemi** (Finland)

I. Introduction

1. The item entitled "International convention against the reproductive cloning of human beings" was included in the provisional agenda of the fifty-ninth session of the General Assembly, pursuant to Assembly decision 58/523 of 9 December 2003.

2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 11th, 12th and 27th meetings, on 21 and 22 October and on 19 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.11, 12 and 27).

4. For its consideration of the item, the Committee also had before it an information paper submitted by the Permanent Observer of the Holy See (A/C.6/59/INF/1).

II. Consideration of proposals

A. Draft resolution A/C.6/59/L.2

5. At the 11th meeting, on 21 October, the representative of Costa Rica, on behalf of Albania, Angola, Antigua and Barbuda, Australia, Benin, Burundi, Chad, Chile, Costa Rica, Côte d'Ivoire, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, the Gambia, Georgia, Grenada, Guinea, Haiti, Honduras, Ireland, Italy, Kazakhstan, Kenya,

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Kyrgyzstan, Lesotho, Liberia, Madagascar, Malawi, the Marshall Islands, Micronesia, Nauru, Nicaragua, Nigeria, Palau, Panama, Papua New Guinea, Paraguay, the Philippines, Portugal, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Sierra Leone, Solomon Islands, Suriname, Tajikistan, Timor-Leste, Tuvalu, Uganda, the United Republic of Tanzania, the United States of America, Uzbekistan, Vanuatu and Zambia, subsequently joined by Comoros, Guyana and Norway, introduced a draft resolution entitled "International convention against human cloning" (A/C.6/59/L.2). Angola, Chile and Malawi subsequently withdrew as sponsors of A/C.6/59/L.2. The draft resolution read as follows:

"*The General Assembly*,

"*Recalling* the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, in particular article 11 thereof, which states that practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted,

"*Recalling also* its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

"*Bearing in mind* Commission on Human Rights resolution 2003/69 of 25 April 2003, entitled 'Human rights and bioethics', adopted at the fifty-ninth session of the Commission,

"*Also bearing in mind* Economic and Social Council resolution 2001/39 of 26 July 2001, entitled 'Genetic privacy and non-discrimination',

"*Aware* of the rapid development of the life sciences and of ethical concerns raised by certain of their applications with regard to the dignity of the human race and the human rights and fundamental freedoms of the individual,

"*Concerned* about recently disclosed information on research into and attempts at the creation of human beings through cloning processes,

"*Convinced* that human cloning, for any purpose whatsoever, is unethical, morally reproachable and contrary to due respect for the human person and that it cannot be justified or accepted,

"*Recalling* that recognition of the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, as stated in the Universal Declaration of Human Rights,

"*Seeking* to promote scientific and technical progress in the fields of biology and genetics in a manner respectful of human rights and for the benefit of all,

"*Concerned* about the serious dangers of a medical, physical, psychological and social nature that human cloning may imply for the individuals involved, and alarmed that it may cause the exploitation of women,

"*Recalling* its resolution 56/93 of 12 December 2001, by which it decided to establish an Ad Hoc Committee, open to all States Members of the

United Nations or members of specialized agencies or of the International Atomic Energy Agency,

"*Determined* to prevent, as a matter of urgency, such an attack on the human dignity of the individual,

"1. *Requests* the Ad Hoc Committee to be reconvened from _____ to _____ 2005 in order to prepare, as a matter of urgency, the draft text of an international convention against human cloning, bearing in mind that it will not prohibit the use of nuclear transfer or other cloning techniques to produce DNA molecules, organs, plants, tissues, cells other than human embryos or animals other than human beings, and recommends that the work continue during the sixtieth session of the General Assembly from _____ to _____ 2005 within the framework of a working group of the Sixth Committee;

"2. *Also requests* the Ad Hoc Committee to consider, in developing the draft convention, the proposals put forward during the fifty-eighth session of the General Assembly;

"3. *Urges* States to prohibit any research, experiment, development or application in their territories or areas under their jurisdiction or control of any technique aimed at human cloning, pending the adoption of an international convention against human cloning;

"4. *Calls upon* States to adopt such measures as may be necessary to prohibit those techniques of genetic engineering that may have adverse consequences on the respect for human dignity;

"5. *Strongly encourages* States and other entities to direct funds that might have been used for human cloning technologies to pressing global issues in developing countries, such as famine, desertification, infant mortality and diseases, including the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS);

"6. *Requests* the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

"7. *Invites* the Ad Hoc Committee to take into consideration the contributions of United Nations agencies and competent international organizations in the process of negotiations;

"8. *Requests* the Ad Hoc Committee to report on its work to the General Assembly at its sixtieth session;

"9. *Decides* to include in the provisional agenda of its sixtieth session an item entitled 'International convention against human cloning'."

B. Draft resolution A/C.6/59/L.8

6. At the 11th meeting, on 21 October, the representative of Belgium, on behalf of Belarus, Belgium, Cambodia, China, Cuba, the Czech Republic, Denmark, Estonia, Finland, France, Greece, Iceland, Japan, Latvia, Lithuania, the Republic of Korea, Singapore, South Africa, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution

entitled "International convention against the reproductive cloning of human beings" (A/C.6/59/L.8), which read:

"*The General Assembly*,

"*Recalling* the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, in particular article 11 thereof, which states that practices that are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted,

"*Recalling also* its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

"*Bearing in mind* Commission on Human Rights resolution 2003/69 of 25 April 2003, entitled 'Human rights and bioethics', adopted by the Commission at its fifty-seventh session,

"*Mindful* of the importance of the development of the life sciences for the benefit of mankind, with full respect for the integrity and dignity of the human being,

"*Aware* that the rapid development of the life sciences opens up prospects for the improvement of the health of individuals and mankind as a whole, but also that certain practices pose potential dangers to the integrity and dignity of the individual,

"*Concerned* by the seriousness of problems posed by the development of techniques of reproductive cloning of human beings applied to mankind, which may have consequences for respect for human dignity,

"*Particularly concerned*, in the context of practices that are contrary to human dignity, at recently disclosed information on research into and attempts at the reproductive cloning of human beings,

"*Determined* to prevent, as a matter of urgency, such an offence to human dignity,

"*Recalling* its resolution 56/93 of 12 December 2001, by which it decided to establish an Ad Hoc Committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, for the purpose of considering the elaboration of an international convention against the reproductive cloning of human beings,

"*Determined* to adopt provisional measures at the national level to prevent potential dangers to the human dignity of the individual pending the adoption and entry into force of an international convention against the reproductive cloning of human beings,

"1. *Decides* that the Ad Hoc Committee shall be reconvened from ___ to ___ 2005 in order to prepare, as a matter of urgency and if possible by the end of 2005, a draft international convention against the reproductive cloning of human beings;

"2. *Requests* the Ad Hoc Committee, in developing the draft convention, to include the following elements:

"(a) An obligation on all contracting parties to ban reproductive cloning of human beings with no possibility of making any reservations;

"(b) An obligation on all contracting parties to take action to control other forms of human cloning by adopting a ban or imposing a moratorium or regulating them by means of national legislation, including strict controls, inter alia, to ensure that the results of therapeutic cloning are not used to advance reproductive cloning;

"3. *Also requests* the Ad Hoc Committee to take into consideration the relevant existing international instruments;

"4. *Calls upon* those States that have not yet done so, pending the adoption and entry into force of an international convention against the reproductive cloning of human beings and their becoming party thereto, to adopt at the national level a prohibition against reproductive cloning of human beings;

"5. *Also calls upon* those States that have not yet done so, pending the adoption and entry into force of an international convention against the reproductive cloning of human beings and their becoming party thereto, to take action to control other forms of human cloning by adopting a ban or imposing a moratorium or regulating them by means of national legislation;

"6. *Requests* the Secretary-General to provide the Ad Hoc Committee with the facilities necessary for the performance of its work;

"7. *Invites* the Ad Hoc Committee to take into consideration the contributions of United Nations bodies and to closely involve the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the United Nations Conference on Trade and Development in the process of negotiations;

"8. *Requests* the Ad Hoc Committee to report on its work to the General Assembly at its sixtieth session;

"9. *Decides* to include in the provisional agenda of its sixtieth session the item entitled 'International convention against the reproductive cloning of human beings'."

C. Draft resolution A/C.6/59/L.26

7. At the 27th meeting, on 19 November, the representative of Italy introduced a draft resolution entitled "International convention against the reproductive cloning of human beings", which it had proposed (A/C.6/59/L.26) and which read:

"*The General Assembly*,

"*Recalling* its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

"*Approves* the Declaration on Human Cloning, annexed to the present resolution.

Annex
United Nations Declaration on Human Cloning

"*The General Assembly*,

"*Guided* by the purposes and principles of the Charter of the United Nations,

"*Recalling* the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, and in particular article 11 thereof, which states that practices which are contrary to human dignity, such as the reproductive cloning of human beings, shall not be permitted,

"*Recalling also* its resolution 53/152 of December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

"*Aware* of the ethical concerns that certain applications of rapidly developing life science may raise with regard to human dignity, human rights and the fundamental freedoms of individuals,

"*Reaffirming* that the applications of life science should seek to offer relief from suffering and improve the health of individuals and humankind as a whole,

"*Emphasizing* that the promotion of scientific and technical progress in life science should be sought in a manner that safeguards respect for human rights and the benefit of all,

"*Mindful* of the serious medical, physical, psychological and social dangers that human cloning may imply for the individuals involved, and also conscious of the need to ensure that human cloning does not give rise to the exploitation of women,

"*Convinced* of the urgency of preventing the potential dangers of human cloning to human dignity,

"*Solemnly declares* the following:

"(a) Member States are called upon to prohibit any attempts to create human life through cloning processes and any research intended to achieve that aim;

"(b) Member States are called upon to ensure that, in the application of life science, human dignity is respected in all circumstances and, in particular, that women are not exploited;

"(c) Member States are also called upon to adopt and implement national legislation to bring into effect paragraphs (a) and (b) above;

"(d) Member States are further called upon to adopt the measures necessary to prohibit applications of genetic engineering techniques that may be contrary to human dignity."

D. Proposal to establish a Working Group of the Sixth Committee

8. At the 27th meeting, on 19 November, the Chairman announced that, on the basis of informal consultations with interested delegations, it was proposed that the Sixth Committee establish a Working Group to finalize the text of a United Nations declaration on human cloning, on the basis of draft resolution A/C.6/59/L.26, and to report to the Sixth Committee during the current session. The Working Group would meet on 14, 15 and 18 February 2005. The Sixth Committee would meet on the afternoon of 18 February to consider and take action on the report of the Working Group. The Working Group would be open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency. The Chairman of the Sixth Committee would be chairman of the Working Group and members of the Bureau of the Sixth Committee would serve as Friends of the Chairman (see A/C.6/59/SR.27).

9. At the same meeting, the Secretary of the Committee made a statement regarding the administrative and financial implications of the proposal of the Chairman (see A/C.6/59/SR.27).

10. Also at the same meeting, on the basis of the proposal of the Chairman, the Committee adopted a draft decision to establish a working group without a vote (see para. 11).

III. Recommendation of the Sixth Committee

11. In the light of the discussion outlined in paragraphs 8 and 10 above, the Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Working Group to finalize the text of a United Nations declaration on human cloning

The General Assembly takes note of the decision of the Sixth Committee to establish a Working Group to finalize the text of a United Nations declaration on human cloning, on the basis of the draft resolution on an international convention against the reproductive cloning of human beings,[1] and to report to the Sixth Committee during the current session. The Working Group shall meet on 14, 15 and 18 February 2005. The Sixth Committee will meet in the afternoon of 18 February to consider and take action on the report of the Working Group. The Working Group shall be open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency. The Chairman of the Sixth Committee shall be chairman of the Working Group and members of the Bureau of the Sixth Committee shall serve as Friends of the Chairman.

[1] A/C.6/59/L.26.